

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRISTOPHER G. VALENCIA,

Plaintiff,

v.

DEBORAH SAN JUAN,

Defendant.

Case No. 1:22-cv-00360-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF Nos. 1 & 6)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

ORDER DIRECTING CLERK TO ASSIGN
DISTRICT JUDGE

Christopher Valencia (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on March 28, 2022. (ECF No. 1). The Court screened Plaintiff’s complaint. (ECF No. 6). The Court found that only the following claims should proceed past the screening stage: Plaintiff’s Fourteenth Amendment due process claim against defendant San Juan and Plaintiff’s retaliation claim against defendant San Juan. (*Id.*).

The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b. Notify the Court in writing that he does not want to file an amended complaint and instead wants to proceed only on his Fourteenth Amendment due process claim against defendant San Juan and his retaliation claim against defendant San Juan; or c. Notify the Court in writing that

1 he wants to stand on his complaint.” (Id. at 9-10). On July 1, 2022, Plaintiff notified the Court
2 that he wants to proceed only on his Fourteenth Amendment due process claim against
3 defendant San Juan and his retaliation claim against defendant San Juan. (ECF No. 7).

4 Accordingly, for the reasons set forth in the Court’s screening order that was entered on
5 June 17, 2022 (ECF No. 6), and because Plaintiff has notified the Court that he wants to
6 proceed only on his Fourteenth Amendment due process claim against defendant San Juan and
7 his retaliation claim against defendant San Juan (ECF No. 7), it is HEREBY
8 RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff’s
9 Fourteenth Amendment due process claim against defendant San Juan and his retaliation claim
10 against defendant San Juan.

11 These findings and recommendations will be submitted to the United States district
12 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
13 **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may
14 file written objections with the Court. The document should be captioned “Objections to
15 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
16 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
17 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
18 (9th Cir. 1991)).

19 Additionally, IT IS ORDERED that the Clerk of Court is directed to assign a district
20 judge to this case.

21
22 IT IS SO ORDERED.

23 Dated: July 11, 2022

24 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE